

§ 188.01-3

to carry out the provisions of applicable laws governing inspection and certification of oceanographic research vessels and have the force of law.

[CGD 95-028, 62 FR 51219, Sept. 30, 1997]

§ 188.01-3 Scope of regulations.

The regulations in this subchapter contain requirements for materials, design, construction, equipment, lifesaving appliances and procedures, fire protection, and fire prevention procedures, inspection and certification, and special operational requirements for oceanographic research vessels, including the handling, use, and control of explosives and other dangerous articles or substances.

[CGFR 67-83, 33 FR 1113, Jan. 27, 1968, as amended by CGD 77-081, 46 FR 56204, Nov. 16, 1981; CGD 95-028, 62 FR 51219, Sept. 30, 1997]

§ 188.01-7 Right of appeal.

Any person directly affected by a decision or action taken under this subchapter, by or on behalf of the Coast Guard, may appeal therefrom in accordance with subchapter 1.03 of this chapter.

[CGD 88-033, 54 FR 50382, Dec. 6, 1989]

§ 188.01-15 OMB control numbers assigned pursuant to the Paperwork Reduction Act.

(a) *Purpose.* This section collects and displays the control numbers assigned to information collection and record-keeping requirements in this subchapter by the Office of Management and Budget (OMB) pursuant to the Paperwork Reduction Act of 1980 (44

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U.S.C. 3501 *et seq.*). The Coast Guard intends that this section comply with the requirements of 44 U.S.C. 3507(f), which requires that agencies display a current control number assigned by the Director of the OMB for each approved agency information collection requirement.

(b) *Display.*

46 CFR part or section where identified or described	Current OMB control No.
§ 189.40-3	2115-0554
§ 189.40-5	2115-0554
§ 196.15-7	2115-0589
§ 196.15-18	2115-0589

[CGD 88-072, 53 FR 34298, Sept. 6, 1988, as amended by CGD 89-037, 57 FR 41828, Sept. 11, 1992]

Subpart 188.05—Application**§ 188.05-1 Vessels subject to requirements of this subchapter.**

(a) This subchapter shall be applicable to all U.S.-flag vessels indicated in Column 7 of Table 188.05-1(a) to the extent prescribed by applicable laws and the regulations in this subchapter, except as follows:

(1) Any foreign vessel.

(2) Any vessel operating exclusively on inland waters which are not navigable waters of the United States.

(3) Any vessel while laid up and dismantled and out of commission.

(4) With the exception of vessels of the U.S. Maritime Administration, any vessel with title vested in the United States and which is used for public purposes.

TABLE 188.05-1(a)

		Classes of vessels (including motorboats) examined or inspected under various Coast Guard regulations ¹					
Method of propulsion	Size or other limitations ¹	Vessels inspected and certified under either Sub-chapter H—Passenger Vessel ^{2, 3, 4, 5} or Sub-chapter T—Small Passenger Vessel ^{2, 3, 4}	Vessels inspected and certified under Subchapter D—Tank Vessels ²	Vessels subject to provisions of Sub-chapter C—Cargo and Miscellaneous Vessels ^{2, 3, 6, 7, 8}	Vessels subject to provisions of Sub-chapter U—Oceanographic Research Vessels ^{2, 5, 6, 7, 9}	Vessels subject to provisions of Sub-chapter O—Certain Bulk Dangerous Cargoes ¹⁰	
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7	Column 8
Steam	Vessels not over 65 feet in length.	All vessels carrying combustible or flammable liquid cargo in bulk.	All vessels carrying more than 6 passengers. ⁷	All tugboats and towboats.	All vessels except those covered by columns 3, 4, 5, and 7.	None	All vessels carrying in bulk the cargoes listed in table I of part 153 and table 4 of part 154. ^{1, 2}
	Vessels over 65 feet in length.	All vessels carrying combustible or flammable liquid cargo in bulk. ⁵		1. All vessels carrying more than 12 passengers on an international voyage, except yachts. 2. All vessels of not over 15 gross tons which carry more than 6 passengers. ⁷ 3. All other vessels carrying passengers, ⁷ except: a. Yachts. b. Documented cargo or tank vessels issued a permit to carry not more than 16 persons in addition to the crew.	All vessels except those covered by columns 3 and 4.	None	All vessels engaged in oceanographic research. Do.

TABLE 188.05-1(A)—Continued

		Classes of vessels (including motorboats) examined or inspected under various Coast Guard regulations ¹					
Method of propulsion	Size or other limitations ¹	Vessels inspected under either Sub-chapter H—Passenger Vessel ^{3,4,5} or Sub-chapter T—Small Passenger Vessel ^{2,3,4}	Vessels inspected and certified under Subchapter D—Tank Vessels ²	Vessels inspected and certified under either Sub-chapter H—Passenger Vessel ^{3,4,5} or Sub-chapter T—Small Passenger Vessel ^{2,3,4}	Vessels subject to provisions of Sub-chapter C—Uninspected Vessels ^{2,3,6,7,8}	Vessels subject to provisions of Sub-chapter U—Oceanographic Research Vessels ^{2,5,6,7,9}	Vessels subject to the provisions of Sub-chapter O—Certain Bulk Dangerous Cargoes ¹⁰
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7	Column 8
Motor	Vessels not over 15 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk.	c. Towing and fishing vessels, in other than ocean and coastwise service, may carry persons on the legitimate business of the vessel, in addition to crew, but not to exceed one for each net ton of the vessel.	All vessels carrying more than 6 passengers. ⁷	Those vessels carrying dangerous cargoes when required by 46 CFR part 98 or 49 CFR parts 171-179.	All vessels except those covered by columns 3, 4, 5, and 7.	Do.
	Vessels over 15 gross tons except seagoing motor vessels of 300 gross tons and over.	All vessels carrying combustible or flammable liquid cargo in bulk. ⁵	1. All vessels carrying more than 12 passengers on an international voyage, except yachts. 2. All vessels not over 65 feet in length which carry more than 6 passengers. ⁷	All vessels carrying freight for hire except those covered by columns 3 and 4.	All vessels except those covered by columns 3, 4, 5, and 7.	Do.	

		3. All other vessels of over 65 feet in length carrying passengers for hire except documented cargo or tank vessels issued a permit to carry not more than 16 persons in addition to the crew.	All vessels except those covered by columns 3 and 4, and those engaged in the fishing, oystering, clamming, crabbing, or any other branch of the fishery, kelp, or sponge industry.	All vessels except those covered by columns 3, 4, 5, and 7.	Do.
Seagoing motor vessels of 300 gross tons and over.	All vessels carrying combustible or flammable liquid cargo in bulk. ⁵	1. All vessels carrying more than 12 passengers on an international voyage, except yachts. 2. All other vessels carrying passengers, ⁷ except: a. Yachts b. Documented cargo or tank vessels issued a permit to carry not more than 16 persons in addition to the crew.	All vessels carrying more than 6 passengers. ⁷	All vessels carrying dangerous cargoes when required by 46 CFR part 98 or 49 CFR parts 171-179.	All vessels engaged in oceanographic research.
Sail	Vessels not over 700 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk.	All vessels carrying passengers for hire.	Those vessels carrying dangerous cargoes when required by 46 CFR part 98 or 49 CFR parts 171-179.	Do.
	Vessels over 700 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk.	All vessels carrying passengers for hire.	Those vessels carrying dangerous cargoes when required by 46 CFR part 98 or 49 CFR parts 171-179.	Do.
Non-self-propelled	Vessels less than 100 gross tons.	All vessels carrying combustible or liquid cargo in bulk.	All vessels carrying more than 6 passengers. ⁷	All barges carrying dangerous cargoes when required by 46 CFR part 98 or 49 CFR parts 171-179.	All tank barges ¹¹ carrying certain flammable and combustible liquid and liquified gases in bulk.

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TABLE 188.05-1(A)—Continued

Method of propulsion Size or other limitations ¹	Classes of vessels (including motorboats) examined or inspected under various Coast Guard regulations ¹						
	Vessels inspected and certified under either Subchapter H—Passenger Vessels ^{2,3,4,5} or Subchapter T—Small Passenger Vessels ^{2,3,4}	Vessels inspected and certified under Subchapter D—Tank Vessels ²	Vessels subject to provisions of Subchapter C—Uninspected Vessels ^{2,3,6,7,8}	Vessels subject to provisions of Subchapter U—Oceanographic Research Vessels ^{2,5,6,7,9}	Vessels subject to the provisions of Subchapter O—Certain Bulk Dangerous Cargoes ¹⁰	Column 7	Column 8
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7	Column 8
Vessels 100 gross tons or over.	All vessels carrying combustible or flammable liquid cargo in bulk.	All vessels carrying passengers for hire.	All seagoing barges except those covered by columns 3 and 4; and those inland barges carrying dangerous cargoes when required by 46 CFR part 98 or 49 CFR parts 171-179.	All barges carrying passengers except those covered by columns 4 and 7.	All seagoing barges engaged in oceanographic research.	Do.	

¹ Where length is used in this table it means the length measured from end to end over the deck, excluding sheer. This expression means a straight line measurement of the overall length from the foremost part of the vessel to the aftermost part of the vessel, measured parallel to the centerline.

² Subchapters E (Load Lines), F (Marine Engineering), J (Electrical Engineering), and N (Dangerous Cargoes) of this chapter may also be applicable under certain conditions. The provisions of 49 CFR parts 171-179 apply whenever hazardous materials are on board vessels (including, monoboats), except when specifically exempted by law.

³ Public nautical schools, other than vessels of the Navy and Coast Guard, shall meet the requirements of part 167 of Subchapter R (Nautical Schools) of this chapter. Civilian nautical schoolships, as defined by 46 U.S.C. 1331, shall meet the requirements of Subchapter H (Passenger Vessels) of this chapter covers only those vessels of 100 gross tons or more. Subchapter T (Small Passenger Vessels) of this chapter covers only those vessels of less than 100 gross tons.

⁴ Vessels covered by Subchapter H (Passenger Vessel) or I (Cargo and Miscellaneous Vessel) of this chapter, where the principal purpose or use of the vessel is not for the carriage of liquid cargo, may be granted a permit to carry a limited amount of flammable or combustible liquid cargo in bulk. The portion of the vessel used for the carriage of the flammable or combustible liquid cargo shall meet the requirements of Subchapter H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter.

⁵ Any vessel on an international voyage is subject to the requirements of the International Convention for Safety of Life at Sea, 1974.

⁶ The meaning of the term "passenger" is as defined in the Act of May 10, 1956 (Sec. 1, 70 Stat. 151; 46 U.S.C. 390). On oceanographic vessels scientific personnel on board shall not be deemed to be passengers for seamen, but for calculations of lifesaving equipment, etc., shall be counted as persons.

⁷ Boilers and machinery are subject to examination on vessels over 40 feet in length.

⁸ Under 46 U.S.C. 441 an "oceanographic research vessel" is a vessel *** being employed exclusively in instruction in oceanography or limnology, or both, or exclusively in oceanographic research. *** Under 46 U.S.C. 443, "an oceanographic research vessel shall not be deemed to be engaged in trade or commerce," if or when an oceanographic vessel engages in trade or commerce, such vessel cannot operate under its certificate of inspection as an oceanographic vessel, but shall be inspected and certified for the service in which engaged, and the scientific personnel aboard then become persons employed in the business of the vessel.

¹⁰ Bulk dangerous cargoes are cargoes specified in table 151.01-10(b); in table I of part 153, and in table 4 of part 154 of this chapter.

¹¹ For manned tank barges see § 151.01-10(c) of this chapter.
[CGFR 67-83, 33 FR 1113, Jan. 27, 1968, as amended at 42 FR 49027, Sept. 26, 1977; 43 FR 968, Jan. 5, 1978; CGD 77-081, 46 FR 56204, Nov. 16, 1981; CGD 86-033, 53 FR 36026, Sept. 16, 1988; CGD 86-033, 53 FR 46871, Nov. 21, 1988; CGD 90-008, 55 FR 30664, July 26, 1990]